

BEFORE THE DEPARTMENT OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 37-21278

Mountain View Water Corp,
c/o Duane Johnson,

Applicant

Clear Springs Foods, Inc.,

Protestant

**NOTICE OF HEARING and
ORDER ALLOWING DISCOVERY**

SOURCE: ground water

COUNTY: Gooding

On August 31, 2004 Mountain View Water Corp, c/o Duane Johnson, applicant, filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. The Department has received a protest against the approval of said application from the above captioned protestant. The Pre-Hearing Conference held on June 22, 2005 did not resolve the matter of the protest.

Therefore, the Department has scheduled the matter for hearing **on Thursday- February 15, 2007 in the City Council Chambers, located at 308 5th Avenue West, Gooding ID commencing at 9:00 a.m.** The hearing will be held in accordance with provisions of chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code, the adopted Rules of Procedure of the Department and Water Appropriation Rules 40 and 45. A copy of the rules may be obtained from the department upon request. The presiding officer at the hearing will be **Gary Spackman**.

IT IS HEREBY ORDERED as follows:

The parties are authorized to engage in discovery commencing with the date of this order. The parties shall **complete discovery by January 15, 2007**. Discovery shall be conducted pursuant to IDAPA Rules 37.01.01520-532 (Rules of Procedure 520 through 532). The parties are directed to answer or otherwise respond to discovery in accordance with the department's Rules of Procedure and the Idaho rules of Civil Procedure, as appropriate. In accordance with Rule 520, the scope of discovery shall be governed by Rule 26(b) of the Idaho Rules of Civil Procedure, unless otherwise provided by statute, rule or order of the Director.

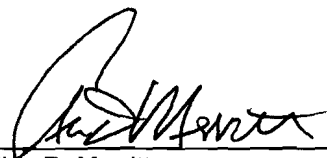
In addition, on or before February 1, 2007 the parties shall make a final exchange of witness lists, copies of documents and proposed exhibits to be offered at the hearing.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility that meets the accessibility requirements of the Americans With Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

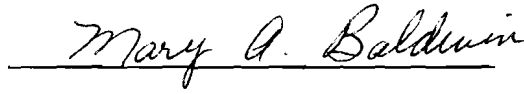
Dated this 29th day of November, 2006.



Allen D. Merritt
Southern Region Manager

CERTIFICATE OF MAILING

I hereby certify that on the 29th day of November, 2006 a true and correct copy of the above and foregoing Notice of Hearing and Order Allowing Discovery was forwarded with all required charges prepared, by Certified U.S. Mail to the parties listed:

A handwritten signature in cursive script that reads "Mary A. Baldwin". The signature is written in black ink and is positioned above a horizontal line.

Mary A. Baldwin
Administrative Assistant I

PHILIP A. BROWN
BROWN JAMES & SWENSON
130 FOURTH AVE WEST
GOODING ID 83330

TRAVIS L. THOMPSON
BARKER ROSHOLT & SIMPSON LLP
PO BOX 485
TWIN FALLS ID 83303-0485

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